

Filed for intro on 02/05/98
SENATE BILL 2972 By
Gilbert

HOUSE BILL 3119
By Burchett

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 9, relative to the "Uniform Criminal Extradition Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 9, is amended by deleting Sections 40-9-124 and 40-9-125 in their entirety and substituting instead the following:

40-9-124. When the return to this state is required for a person who has been convicted of a felony in this state and has escaped from confinement, who has been wrongfully or erroneously released from lawful confinement, broken the terms of such person's bail, court-ordered probation, probation pursuant to §40-35-501(a)(3), or has escaped from or broken the terms of a sentence to any community-based alternative to incarceration pursuant to chapter 36 of this title, the district attorney general for the county in which the offense was committed, the parole board, or the warden of the institution or sheriff of the county from which the escape or wrongful or erroneous release was made, shall present to the governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which such person was convicted, the circumstances of such person's escape or wrongful or erroneous release from lawful confinement or placement in the community-based alternative to incarceration, or of the breach of the terms of such person's bail, any form of probation, or parole, and the state in which such person is

100000000

10000000

009160

00916029

believed to be, including the location of the person therein at the time application is made. In the case of an application for requisition for escape from, or a breach in the terms of a sentence to, a community-based alternative to incarceration, only the district attorney general for the county in which the original offense was committed or the county in which the escape occurred shall have the authority to file the application with the governor.

40-9-125.

(a) If the application is made pursuant to §40-9-123, the application shall be verified by affidavit, shall be executed in triplicate and shall be accompanied by three (3) certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the magistrate, stating the offense with which the accused is charged.

(b) If the application is made pursuant to § 40-9-124, the application shall be verified by affidavit, shall be executed in triplicate and shall be accompanied by three (3) certified copies of the prisoner's judgment of conviction.

(c) The prosecuting officer may also attach such further affidavits and other documents in triplicate as the officer shall deem proper to be submitted with such application.

(d) One (1) copy of the application with the action of the governor indicated by endorsement thereof, and one (1) of the certified copies of the judgment of conviction and affidavit, shall be filed in the office of the secretary of state to remain on record in that office.

(e) The other two (2) copies of all papers shall be forwarded with the governor's requisition.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.

•